

HOUSE BILL 1308  
By DeBerry J

AN ACT to amend Tennessee Code Annotated, Title 55,  
Chapter 10, Part 4, relative to testing to determine  
the alcohol or drug content of a person's blood

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-406, is amended by adding  
the following new subsection:

( )

(1) If a law enforcement officer has probable cause to believe that the driver of a motor vehicle involved in an accident resulting in the injury or death of another has committed a violation of tennessee code annotated sections 55-10-401, 39-13-106, 39-13-213(a)(2) or 39-13-218, the officer shall cause the driver to be tested for the purpose of determining the alcohol or drug content of such driver's blood. Such test shall be performed in accordance with the procedure set forth in this section and shall be performed regardless of whether the driver does or does not consent to such test.

(2) The results of a test performed in accordance with this subsection shall be admissible in evidence by either the state or the driver of the vehicle in any court or administrative hearing relating to such accident or offense.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.